

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CLAUDIA GARZA,

PLAINTIFF

v.

**ALFONSO MONARRES, D.D.S., M.S.,
P.A., d/b/a STONE RIDGE DENTAL
AND ALFONSO MONARRES,**

DEFENDANTS

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Civil Action No. 5:17-cv-00217

NOTICE OF REMOVAL

Defendants Alfonso Monarres, D.D.S., M.S., P.A., d/b/a Stone Ridge Dental and Alfonso Monarres file this notice of removal to the United States District Court for the Western District of Texas, San Antonio Division, pursuant to 28 U.S.C. §§ 1331 and 1441 because Plaintiff has claimed that Defendants Alfonso Monarres, D.D.S., M.S., P.A., d/b/a Stone Ridge Dental and Alfonso Monarres are liable to her for failure to pay wages in accordance with the Fair Labor Standards Act (“FLSA”) and for retaliation in violation of the FLSA – actions that, if true, would violate United States law.

PRELIMINARY STATEMENT

This Notice effectuates the removal of Case No. 2017-CI-03067, styled *Claudia Garza vs. Alfonso Monarres, D.D.S., M.S., P.A., d/b/a Stone Ridge Dental and Alfonso Monarres*, pending in the District Court for the 150th Judicial District, Bexar County, Texas. A copy of the Plaintiff’s Original Petition together with a copy of all process, pleadings and orders served upon Defendant is attached hereto as Exhibit 1. Removal is sought to the San Antonio Division of the United States District Court for the Western District of Texas.

GROUND FOR REMOVAL

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331.

2. The first date on which Defendants received a copy of the Original Petition was February 28, 2017, when a copy of the Original Petition was served on Defendants. A copy of the Citation is also attached as part of Exhibit 1.

3 Removal to the United States District Court for the Western District of Texas, San Antonio Division, is proper pursuant to 28 U.S.C. § 124(b)(6) because Bexar County is located in the Western District, San Antonio Division.

4. Plaintiff's Original Petition contains claims that Defendants unlawfully failed to pay Plaintiff wages in accordance with a United States statute, the Fair Labor Standards Act of 1938 as currently amended and codified at 29 U.S.C. § 201 *et seq.*, and also unlawfully retaliated against her in violation of the FLSA.

5. Thus, the action filed by Plaintiff, Claudia Garza, is one containing federal claims and jurisdiction and is, therefore, proper in this federal court.

REMOVAL PROCEDURE

6. The Notice is filed timely under 28 U.S.C. § 1446(b).

7. Pursuant to 28 U.S.C. § 1446(b), a copy of the Original Petition together with a copy of all process, pleadings and orders served upon Defendants and contained in the file at the District Court are attached hereto as Exhibit 1.

8. Defendants will serve written notice of the removal of this action upon Plaintiff and will file such notice with the District Clerk of Bexar County, Texas as required by 28 U.S.C. § 1446(b). A copy of the Notice of Filing of Removal (Directed to State Court) is attached hereto

as Exhibit 2.

Wherefore, Defendants pray that this action be removed to this Court, that this Court accept jurisdiction of this action, and that henceforth, this action be placed on the docket of this Court for further proceedings as though jurisdiction had been instituted originally in this Court.

Respectfully submitted,

/s/ Robert Rapp

Robert A. Rapp

State Bar No. 16550850

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Attorney for Defendants,

Alfonso Monarres, D.D.S., M.S., P.A., d/b/a

Stone Ridge Dental and Alfonso Monarres

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2017, I electronically filed the above and foregoing Notice of Removal with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Michael V. Galo, Jr.
State Bar No. 00790734
Galo Law Firm, P.C.
4230 Gardendale, Suite 401
San Antonio, Texas 78229-3475

/s/ Robert Rapp
ROBERT A. RAPP